

Article - Criminal Law

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§13–2003.

(a) An organization listed in subsection (b) of this section shall obtain a permit from the county commissioners before the organization may use two or more of the following gaming devices in conducting a fundraiser at which prizes of merchandise or money may be awarded:

- (1) a paddle wheel;
- (2) a wheel of fortune;
- (3) a chance book;
- (4) a card game;
- (5) a raffle; or
- (6) any other gaming device.

(b) (1) In this subsection, “charity” means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(2) Notwithstanding any other provision of this subtitle, the county commissioners may issue a permit to use multiple gaming devices to an organization if the organization is:

(i) a bona fide religious organization that has conducted religious services at the same location in the county for at least 3 years before applying for a permit;

(ii) a county-supported or municipally supported volunteer fire company or an auxiliary unit of the volunteer fire company whose members are directly associated with the volunteer fire company or auxiliary unit;

(iii) a nationally chartered veterans’ organization or an auxiliary unit of the veterans’ organization whose members are directly associated with the veterans’ organization;

(iv) if the organization intends to use two or more gaming devices to conduct a fundraiser for the benefit of a charity located in the county, an organization that is a bona fide:

1. fraternal organization;
2. educational organization;
3. civic organization;
4. patriotic organization; or
5. charitable organization; or

(v) a bona fide nonprofit organization that:

1. has operated on a nonprofit basis in the county for at least 3 years before applying for a permit; and

2. intends to use the multiple gaming devices to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the permit application.

(c) Before issuing a permit, the county commissioners shall determine that the organization seeking the permit:

- (1) is organized in and serves the residents of the county; and
- (2) meets the conditions of this section.

(d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a permit is valid for one event that does not last longer than 6 hours.

(ii) The county commissioners may issue a permit for an event longer than 6 hours if the permit holder does not seek more than one permit in the same year.

(2) The county commissioners may not approve a permit for gaming events to be held on premises that are licensed under a Class B or Class D alcoholic beverages license.

(3) The county commissioners may not issue more than two permits to an organization in a single year.

(4) The county commissioners may:

- (i) charge a fee set by resolution for each permit;
- (ii) set the number of permits that may be issued each year;

and

(iii) adopt regulations governing permit applications and the issuance of permits.

(e) (1) An organization that is issued a permit shall conduct its fundraiser in:

- (i) a structure that the organization owns, leases, or occupies;
- (ii) a structure that any organization that would qualify for a permit owns, leases, or occupies; or

(iii) a public location that is:

- 1. described in the permit application; and
- 2. approved by the State's Attorney for the county.

(2) (i) Unless the county commissioners grant a waiver, a fundraiser for which a permit is issued shall be managed and operated only by individuals who reside in the county and on behalf of the permit holder.

(ii) Each permit holder shall designate an individual to be responsible for compliance with the terms and conditions of this subtitle and a permit issued under this subtitle.

(iii) A person may not be compensated for operating the gaming activity conducted under a permit.

(f) (1) The permit holder shall use at least one-half of the funds raised using the permit for civic, charitable, or educational purposes.

(2) Within 30 days after a fundraiser, the permit holder shall send to the county commissioners:

- (i) an accounting of all funds received or pledged;
- (ii) an accounting of all expenses paid or incurred; and

(iii) a statement under oath of the application of the net profits.

(g) The county commissioners may deny a permit for not more than 3 years to an organization that violates this subtitle or regulations adopted under this subtitle.

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